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FILED

MAY 31 2012

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN MCGOWAN,
ROBERT SNELLINGS,
ULYSSES SIMPSON GRANT
EARLY, IV, and
THOMAS LU,

Defendants.

Case No. **212 - CR - 0207 LKK**

VIOLATIONS: 18 U.S.C. §
922(a)(1)(A) - Engaging in the
Business of Dealing in Firearms
Without a License (2 counts); 18
U.S.C. § 371 - Conspiracy to
Make a False Statement With
Respect to Firearm Records
(5 Counts); 18 U.S.C. §
924(d)(1) and 28 U.S.C. §
2461(c) - Criminal Forfeiture

I N D I C T M E N T

The Grand Jury charges: T H A T

At all times relevant to this Indictment:

1. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is an agency of the United States Government tasked with the responsibility of supervising, controlling, and licensing the sale of firearms.

2. A Federal Firearms Licensee (FFL) is an individual or entity, who after submitting an application and undergoing an investigation by ATF, is then granted a license to sell certain

1 firearms, and other controlled items. Federal firearms laws
2 require anyone who is a firearms dealer to obtain a federal
3 firearms license. Private persons can sell firearms without a
4 license, provided they are not engaged in the business of selling
5 firearms, such as the occasional sale of a portion of a personal
6 firearms collection.

7 3. An ATF Form 4473 is a document required to be completed
8 by the actual buyer of a firearm from any FFL. Under California
9 law, private persons who sell a firearm must use an FFL to
10 transfer the firearm. The FFL must assure that ATF Form 4473 is
11 completed by the actual buyer of a firearm prior to the sale or
12 transfer of the firearm between private parties and must retain
13 the original completed ATF Form 4473 on his/her premises. The
14 ATF Form 4473, Section A must be completed by the actual buyer
15 and must contain, among other information, the name and residence
16 address of the actual buyer, along with the assurance that the
17 buyer is the actual buyer of the firearm and is not acquiring the
18 firearm on behalf of another person.

19 4. Pursuant to State law, certain firearms known as "off
20 roster" firearms are not on the approved list of firearms and may
21 not be offered for sale to the public as a new firearm by FFLs in
22 California, but may only be purchased new by sworn law
23 enforcement officers. Such firearms may later be lawfully sold
24 by a law enforcement officer to the public in a "private party"
25 transaction conducted through an FFL.

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28 //

1 COUNT ONE: [18 U.S.C. § 922(a)(1)(A) - Engaging in the
2 Business of Dealing in Firearms Without a
3 License]

4 The Grand Jury charges: T H A T

5 RYAN McGOWAN,

6 defendant herein, beginning on or about February 2008, and
7 continuing through at least November 2011, in the County of
8 Sacramento, State and Eastern District of California, and
9 elsewhere, not having received a license to engage in the
10 business of dealing in firearms as required by Title 18 of the
11 United States Code, Section 923, did engage in the business of
12 dealing in firearms and, in the course of such business, received
13 firearms that had been shipped and transported in interstate and
14 foreign commerce, in violation of Title 18, United States Code,
15 Section 922(a)(1)(A).

16 COUNT TWO: [18 U.S.C. § 371 - Conspiracy to Make a False
17 Statement with Respect to Firearm Records]

18 The Grand Jury further charges: T H A T

19 RYAN McGOWAN, and
20 ROBERT SNELLINGS,

21 defendants herein, beginning on or about July 1, 2009, and
22 continuing through July 27, 2009, in the County of Sacramento,
23 State and Eastern District of California, and elsewhere, did
24 conspire with each other, and with other persons known and
25 unknown to the Grand Jury, to knowingly make a false statement
26 and representation with respect to information required to be
27 kept under federal law by an FFL, specifically representing on
28 Form 4473 that defendant RYAN McGOWAN was the actual buyer of a
 Sturm, Ruger & Co., Model LCP, .380 caliber handgun, serial
 number 37182507, when he was not the actual buyer, in violation
 of Title 18, United States Code, Section 924(a)(1)(A).

Overt Acts

As part, and in furtherance of the conspiracy, overt acts were committed including, but not limited to, the following:

1. On or about July 1, 2009, defendant ROBERT SNELLINGS purchased a Sturm, Ruger & Co., model LCP, .380 caliber handgun, serial number 37182507, as an FFL (on behalf of Snellings' Firearms), for \$359.70 in cash. The gun was delivered that same day by River City Gun Exchange to Snellings' Firearms as an FFL to FFL transfer.

2. The very next day, on or about July 2, 2009, defendant RYAN MCGOWAN purchased the same Sturm, Ruger & Co., model LCP, .380 caliber handgun, serial number 37182507, from Snellings' Firearms. This handgun is not on the roster of approved handguns for sale to the public in California and can only be purchased new from an FFL by a peace officer. Defendant RYAN MCGOWAN was able to purchase this firearm due to his peace officer status.

3. During the purchase of this firearm, on or about July 2, 2009, defendant RYAN MCGOWAN filled out ATF Form 4473. Question 12a on ATF Form 4473, asks: "Are you the actual buyer of this firearm(s) listed on the form?" On the form, defendant RYAN MCGOWAN answered "yes" to question 12a. If defendant RYAN MCGOWAN did not answer "yes", the sale would have been prohibited by law.

4. On July 13, 2009, 11 days after the purchase, and one day after the expiration of the ten day waiting period under California law, defendant RYAN MCGOWAN private party transferred the firearm back to defendant ROBERT SNELLINGS as a private party (not as an FFL).

1 5. On July 27, 2009 (14 days after defendant RYAN MCGOWAN
2 transferred the firearm to defendant ROBERT SNELLINGS), defendant
3 ROBERT SNELLINGS private party transferred the firearm to W.P.
4 This gun was later listed on a CCW (carry concealed weapon)
5 permit for W.P. on April 20, 2011.

6 All in violation of Title 18, United States Code, Section
7 371.

8 COUNT THREE: [18 U.S.C. § 371 - Conspiracy to Make a False
9 Statement With Respect to Firearm Records]

10 The Grand Jury further charges: T H A T

11 ROBERT SNELLINGS,
12 defendant herein, beginning on or about June 17, 2010, and
13 continuing through July 5, 2010, in the County of Sacramento,
14 State and Eastern District of California, and elsewhere, did
15 conspire with other persons known and unknown to the Grand Jury,
16 to knowingly make a false statement and representation with
17 respect to information required to be kept under federal law by
18 an FFL, specifically representing on Form 4473 that unindicted
19 coconspirator C.L. was the actual buyer of a Sturm, Ruger & Co.,
20 Model LCP, .380 caliber handgun, serial number 37437161, when he
21 was not the actual buyer, in violation of Title 18, United States
22 Code, Section 924(a)(1)(A).

23 Overt Acts

24 As part, and in furtherance of the conspiracy, overt acts
25 were committed including, but not limited to, the following:

26 1. On June 17, 2010, Sacramento Police Officer C.L. started
27 the Dealer's Record of Sale (DROS) process for two Sturm, Ruger &
28 Co., model LCP, .380 caliber handguns with serial numbers

1 37437161 and 37437405. This transaction was completed by
2 defendant ROBERT SNELLINGS as an FFL for Snellings' Firearms.
3 These firearms were "off roster" firearms, not on the approved
4 list of handguns for sale in California, and could only be
5 purchased new from an FFL by a peace officer. At the time C.L.
6 filled out ATF Form 4473, he and defendant ROBERT SNELLINGS knew
7 that B.G. was the actual buyer and not C.L.

8 2. Approximately 19 days later, on July 5, 2010, C.L.
9 private party transferred the Sturm, Ruger & Co., model LCP, .380
10 caliber handgun, with serial number 37437161, to B.G. The
11 private party transfer was completed by defendant ROBERT
12 SNELLINGS as an FFL.

13 3. In furtherance of the conspiracy, B.G. paid defendant
14 ROBERT SNELLINGS directly for the firearm.

15 All in violation of Title 18, United States Code, Section
16 371.

17 COUNT FOUR: [18 U.S.C. § 371 - Conspiracy to Make a False
18 Statement with Respect to Firearm Records]

19 The Grand Jury further charges: T H A T

20 ROBERT SNELLINGS,
21 defendant herein, beginning on or about August 12, 2010, and
22 continuing through on or about September 13, 2010, in the County
23 of Sacramento, State and Eastern District of California, and
24 elsewhere, did conspire with other persons known and unknown to
25 the Grand Jury, to knowingly make a false statement and
26 representation with respect to information required to be kept
27 under federal law by an FFL, specifically representing on Form
28 4473 that unindicted coconspirator C.L. was the actual buyer of a

1 Carl Walther, model PK 380, .380 caliber handgun, serial number
2 PK038993, when he was not the actual buyer, in violation of Title
3 18, United States Code, Section 924(a)(1)(A).

4 Overt Acts

5 As part, and in furtherance of the conspiracy, overt acts
6 were committed including, but not limited to, the following:

7 1. On or about August 12, 2010, Sacramento Police Officer
8 C.L. started the DROS process for a semiautomatic, Carl Walther,
9 model PK380, ".38 caliber" handgun, serial number PK038993.
10 Defendant ROBERT SNELLINGS was listed as the FFL that completed
11 the paperwork for this firearm. The entry of the caliber on
12 August 12, 2010 as ".38" is not correct. This handgun is not on
13 the roster of approved handguns for sale to the public in
14 California and can only be purchased new from an FFL by a peace
15 officer.

16 2. On September 13, 2010, approximately 32 days later,
17 C.L. private party transferred the same firearm to defendant
18 ROBERT SNELLINGS as a private person to complete the "straw
19 purchase" transaction. The firearm was transferred to defendant
20 ROBERT SNELLINGS, using defendant ROBERT SNELLINGS' business as
21 the FFL to conduct the paperwork.

22 All in violation of Title 18, United States Code, Section
23 371.

24 COUNT FIVE: [18 U.S.C. § 371 - Conspiracy to Make a False
25 Statement with Respect to Firearm Records]

26 The Grand Jury further charges: T H A T

27 ROBERT SNELLINGS,

28 defendant herein, beginning on or about July 9, 2009, and

1 continuing through on or about August 4, 2009, in the County of
2 Sacramento, State and Eastern District of California, and
3 elsewhere, did conspire with other persons known and unknown to
4 the Grand Jury, to knowingly make a false statement and
5 representation with respect to information required to be kept
6 under federal law by an FFL, specifically representing on Form
7 4473 that unindicted coconspirator C.K. was the actual buyer of a
8 Carl Walther, Model PPS, .40 caliber handgun, serial number
9 AD3719, when he was not the actual buyer, in violation of Title
10 18, United States Code, Section 924(a)(1)(A).

11 Overt Acts

12 As part, and in furtherance of the conspiracy, overt acts
13 were committed including, but not limited to, the following:

14 1. On or about July 9, 2009, Roseville Police Officer C.K.
15 started the DROS process for the purchase of a Carl Walther,
16 model PPS, .40 caliber handgun, serial number AD3719. This
17 handgun is not on the roster of approved handguns for sale to the
18 public in California and can only be purchased new from an FFL by
19 a peace officer. Defendant ROBERT SNELLINGS was the FFL that
20 completed the ATF Form 4473 paperwork. C.K. listed himself as
21 the actual buyer of the handgun, when in fact the actual buyer of
22 the handgun was defendant ROBERT SNELLINGS.

23 2. The same firearm was later transferred to defendant
24 ROBERT SNELLINGS, as a private person, using ROBERT SNELLINGS, as
25 the FFL, to complete the transfer. This is the same firearm C.K.
26 obtained the month prior.

27 All in violation of Title 18, United States Code, Section
28 371.

1 COUNT SIX: [18 U.S.C. § 371 - Conspiracy to Make a False
2 Statement With Respect to Firearm Records]

3 The Grand Jury further charges: T H A T

4 ROBERT SNELLINGS, and
5 ULYSSES SIMPSON GRANT EARLY, IV,
6 defendants herein, beginning on or about April 29, 2010, and
7 continuing through on or about May 27, 2010, in the County of
8 Sacramento, State and Eastern District of California, and
9 elsewhere, did conspire with each other, and other persons known
10 and unknown to the Grand Jury, to knowingly make a false
11 statement and representation with respect to information required
12 to be kept under federal law by an FFL, specifically representing
13 on Form 4473 that unindicted co-conspirator C.K. was the actual
14 buyer of a Sturm, Ruger & Co., model LCP, .380 caliber handgun,
15 serial number 37300127, when he was not the actual buyer, in
16 violation of Title 18, United States Code, Section 924(a)(1)(A).

17 Overt Acts

18 As part, and in furtherance of the conspiracy, overt acts
19 were committed including, but not limited to, the following:

20 1. On or about April 29, 2010, Roseville Police Officer
21 C.K. started the DROS process to purchase a Sturm, Ruger & Co.,
22 model LCP, .380 caliber handgun, serial number 37300127, from
23 Snellings' Firearms. This handgun is not on the roster of
24 approved handguns for sale to the public in California and can
25 only be purchased new from an FFL by a peace officer. Unindicted
26 co-conspirator C.K. was able to purchase this firearm due to his
27 peace officer status.

28 2. During the purchase of this firearm, C.K. filled out
 ATF Form 4473. Question 12a asks: "Are you the actual buyer of

1 this firearm(s) listed on the form?" On the form, C.K. answered
2 "yes" to question 12a. If C.K. did not answer "yes", the sale
3 would have been prohibited by law. At the time C.K. filled out
4 ATF Form 4473, he and defendants ROBERT SNELLINGS and ULYSSES
5 SIMPSON GRANT EARLY, IV, had no doubt that C.K. was not the
6 actual buyer, but that the true actual buyer was defendant
7 ULYSSES SIMPSON GRANT EARLY, IV.

8 3. On May 27, 2010, approximately 28 days later, C.K.
9 private party transferred the Sturm, Ruger & Co., model LCP, .380
10 caliber handgun, serial number 37300127, to ULYSSES SIMPSON GRANT
11 EARLY, IV. The private party transfer was completed by defendant
12 ROBERT SNELLINGS as the FFL.

13 All in violation of Title 18, United States Code, Section
14 371.

15 COUNT SEVEN: [18 U.S.C. § 922(a)(1)(A) - Engaging in the
16 Business of Dealing in Firearms Without a
License]

17 The Grand Jury further charges: T H A T

18 THOMAS LU,
19 defendant herein, on or about March 2008, and continuing through
20 at least November 2011, in the County of Sacramento, State and
21 Eastern District of California, and elsewhere, not having
22 received a license to engage in the business of dealing in
23 firearms as required by Title 18, United States Code, Section
24 923, did engage in the business of dealing in firearms and, in
25 the course of such business, received firearms that had been
26 shipped and transported in interstate and foreign commerce, in
27 violation of Title 18, United States Code, Section 922(a)(1)(A).

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1 FORFEITURE ALLEGATION: [18 U.S.C. § 924(d)(1) and 28 U.S.C. §
2 2461(c) - Criminal Forfeiture]

3 1. Upon conviction of one of more of the offenses alleged
4 in Counts One through Seven of this Indictment, defendants RYAN
5 MCGOWAN, ROBERT SNELLINGS, ULYSSES SIMPSON GRANT EARLY, IV, and
6 THOMAS LU shall forfeit to the United States pursuant to
7 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), any firearms and
8 ammunition involved in or used in the knowing or willful
9 commission of the offenses.

10 2. If any property subject to forfeiture, as a result of
11 the offenses alleged in Counts One through Seven of this
12 Indictment, for which defendants are convicted:

- 13 a. cannot be located upon the exercise of due diligence;
14 b. has been transferred or sold to, or deposited with, a
15 third party;
16 c. has been placed beyond the jurisdiction of the Court;
17 d. has been substantially diminished in value; or
18 e. has been commingled with other property which cannot
19 be divided without difficulty;

20 it is the intent of the United States, pursuant to 28 U.S.C. §
21 2461(c), incorporated by 21 U.S.C. § 853(p), to seek forfeiture
22 of any other property of said defendants, up to the value of the
23 property subject to forfeiture.

24 A TRUE BILL.

25 15/
26 FOREPERSON

27 Benjamin Wagner
28 BENJAMIN B. WAGNER
United States Attorney

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

THE UNITED STATES OF AMERICA

vs.

RYAN MCGOWAN, ROBERT SNELLINGS,
ULYSSES SIMPSON GRANT EARLY, IV,
and THOMAS LU,

INDICTMENT

VIOLATION(S): 18 U.S.C. § 922(a)(1)(A) - Engaging in
the Business of Dealing in Firearms Without a License (2 Counts);
18 U.S.C. § 371 - Conspiracy to Make a False Statement With
Respect to Firearm Records (5 Counts); 18 U.S.C. § 924(d)(1)
and 28 U.S.C. § 2461(c) - Criminal Forfeiture

A true bill,

15/

Foreman.

Filed in open court this 31 day

of May, A.D. 20 12

Clerk.

Bail, \$

Summons to issue as to Defendant McGowan, Early
and Lu

GPO 863 525

As to Defendant Snellings → **NO BAIL WARRANT**

[Signature]

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PENALTY SLIP

Penalties on COUNT ONE for the following defendant:

RYAN McGOWAN

VIOLATION: 18 U.S.C. § 922(a)(1)(A) - Engaging in the Business of Dealing in Firearms Without a License

PENALTY: Not more than 10 years imprisonment
Not more than a \$250,000.00 fine, or both
At least 3 years of supervised release

Penalties on COUNT TWO for the following defendants:

**RYAN McGOWAN, and
ROBERT SNELLINGS**

VIOLATION: 18 U.S.C. § 371 - Conspiracy to Make a False Statement with Respect to Firearm Records

PENALTY: Not more than 5 years imprisonment
Not more than a \$ 250,000.00 fine, or both
At least 3 years of supervised release

Penalties on COUNT THREE for the following defendant:

ROBERT SNELLINGS

VIOLATION: 18 U.S.C. § 371 - Conspiracy to Make a False Statement with Respect to Firearm Records

PENALTY: Not more than 5 years to life imprisonment
Not more than a \$250,000.00 fine, or both
At least 3 years of supervised release

Penalties on COUNT FOUR for the following defendant:

ROBERT SNELLINGS

VIOLATION: 18 U.S.C. § 371 - Conspiracy to Make a False Statement with Respect to Firearm Records

PENALTY: Not more than 5 years to life imprisonment
Not more than a \$250,000.00 fine, or both
At least 3 years of supervised release

Penalties on COUNT FIVE for the following defendant:

ROBERT SNELLINGS

VIOLATION: 18 U.S.C. § 371 - Conspiracy to Make a False Statement with Respect to Firearm Records

PENALTY: Not more than 5 years to life imprisonment
Not more than a \$ 250,000.00 fine, or both
At least 3 years of supervised release

Penalties on COUNT SIX for the following defendants:

ROBERT SNELLINGS

ULYSSES SIMPSON GRANT EARLY, IV

VIOLATION: 18 U.S.C. § 371 - Conspiracy to Make a False Statement with Respect to Firearm Records

PENALTY: Not more than 5 years to life imprisonment
Not more than a \$ 250,000.00 fine, or both
At least 3 years of supervised release

Penalties on COUNT SEVEN for the following defendant:

THOMAS LU

VIOLATION: 18 U.S.C. § 922(a)(1)(A) - Engaging in the Business of Dealing in Firearms Without a License

PENALTY: Not more than 10 years to life imprisonment
Not more than a \$250,000.00 fine, or both
At least 3 years of supervised release

FORFEITURE

ALLEGATION: 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) - Criminal Forfeiture

PENALTY: As Stated in the Indictment

ASSESSMENT: \$100.00 special assessment for each count